

Greenwich Disabled People Against Cuts - Report to the ASC Scrutiny Committee meeting - 8th Jan 2020



Background

In spring 2019, Greenwich Council sent out consultation documents to people receiving “non-residential” care services. The document contained eleven proposals designed to increase revenue to Adult Social Care from local disabled people by means of care charging.

At the poorly-attended face-to-face consultation events, attendees were provided with information, including presentation handouts, dealing with why the Council needed to undertake the consultation to raise revenue. This information was not available to people who were unable to attend the consultation events.

Reasons given for the need to increase charges to local disabled people included the fact that there had been a decrease in Central Government funding, the need to provide services to increasing numbers of “complex” cases, and the pressure of paying the London Living Wage, leading to an on-going overspend of the Adult Social Care budget. The “social care precept” on council tax and care charges at the current rates were insufficient to tackle the overspend.

There was, however, a “reassurance” in the presentation handout that significant number of people do not currently pay and that people would “not be charged more than they could afford” once new proposals were implemented.

Greenwich Disabled People Against Cuts (Greenwich DPAC) have concerns about the way the consultation was undertaken and validity of the results, the underlying fairness of the financial assessment process including imposing the “Minimum Income Guarantee” rates, the lack of understanding about Disability Related Expenditure and rights to financial assessment, and also whether we have been reassured that all other options to increase the Adult Social Care budget have been explored.

Issues with the consultation.

The document provided to users of non-residential care services contained 11 proposals with semi-worked examples of the pre-and post-implementation results. People were asked to respond to whether they agreed or not, to the proposals.

As Greenwich has a tight-knit community of disabled people, particularly those who employ Personal Assistants, it soon became clear that not all po-

tentially affected disabled people had received notification of the consultation.

Additionally, other people who had an interest - including unpaid carers, paid Personal Assistants / Care Workers, disabled people who were not yet in receipt of services but may need them in the future and council tax payers at large who are subject to the social care precept - were not aware of the consultation.

We also received reports that people who had received the consultation document felt that either

1. The consultation was not clear or transparent and they felt they were unable to respond, or
2. They understood what the individual proposals meant in general but not what the cumulative impact would be, or
3. They did not know how, or indeed if, the proposals would affect them - several people saying that, as they are not currently charged, it was not relevant - which is incorrect.

In November 2017, Haringey Council consulted on a single issue - changes to Disability Related Expenses, which corresponds to proposal 10 of the Greenwich consultation document.

Their report to cabinet included an analysis of responses and the council officer writing the report made reference to results being indicative that a significant proportion of responders had not fully understood the process of financial assessment or the impact to themselves, so being not able to comment.

6.8.6 ... The small percentage of people who responded “don’t know” could reflect the service users who are not already contributing and do not know if they would have to contribute if the proposal was approved.

6.8.7 ... The 22% who responded “don’t know” could reflect the complexity of understanding the overall process and how it would impact them financially.

6.8.9 ... A significant proportion of respondents indicated “don’t know”, this could reflect the complexity of understanding the overall process and how it would impact them financially.

6.8.10 The 31% who responded “don’t know” may indicate that service users require details of the amount they will be required to pay

https://www.minutes.haringey.gov.uk/documents/s97500/DRE%20Consultation%20Feedback%20Report_11.39.pdf

The Haringey consultation was about a single proposal - the Greenwich consultation, however, asked for people to provide views on 11 different proposals at the same time.

In Greenwich, there was no offer of a mock independent financial assessments to inform people how the 11 proposals would affect them, personally, nor did the consultation document itself explain the full financial assessment process.

It is impossible for Greenwich council officers, and councillors, to be sure that people have understood individual proposals, let alone the cumulative effect of proposals and, as such, any “agreements” in the consultation response might not be *informed* agreement.

On top of this, it was strongly suggested to the local disabled people who had been involved in challenging the assessment that nothing would stop the plans going through. If true it means that the consultation was just a token exercise.

Greenwich DPAC / Metro GAD survey

To investigate the scope of knowledge about, and understanding of, the ASC consultation about charges, Greenwich Disabled People Against Cuts and MetroGAD surveyed Greenwich residents.

We sent out paper questionnaire to MetroGAD / Greenwich DPAC members, advertised a link to an online “survey monkey” version of the questionnaire via email, Facebook, Twitter and nextdoor.com as well as holding face-to-face interviews. Responses were coming in up until the writing of this report on 4th January.

We received 56 responses, of which:

- 13 were disabled residents

- 3 were unpaid Carers

- 10 were Personal Assistants / paid care workers

- 4 had other links to disabled people or people with health conditions

- 26 were residents who were none of the above.

Of these:

- 7 disabled people receive care services from Greenwich

- 6 respondents had received the consultation documents.

1 other was aware of council plans despite not having received the documents.

Of the 6 people who had received the consultation document:

5 were care service users,

1 was a carer,

1 said the consultation was transparent or understandable, while the others did not.

Comments included:

- *Not clear at all Misleading Confusing*
- *Very unclear, no multiple impact of plans detailed, no outline of current charging process. Very frightening*
- *It's not a consultation if I didn't understand or not given all the information.*

On drilling down about what people understood about the individual proposals and their impact, not a single person said they were able to understand or know the impact of all of the proposals (including the author of this report who works in this field!).

Two care service users said they did not receive the document and had been unaware of the councils plans.

- *I was alerted to the questionnaire by a very concerned service user who had received it so [I] filled out the online form. It was not transparent or clear - care service user who did not receive the consultation and found out by chance.*
- *Why was I not notified. Not happy - care service user who did not receive / know about consultation until receiving our survey.*

When asked about how they would manage if they had to have less care / support due to affordability, 6 of the 7 care service users said that they did not know what they would do. Only one person was confident that they had alternative arrangements.

- *I am so worried, have asked family if they can help, have not recruited new PA's as don't know if they will have job after plans put in place. Feel constantly stressed about this.*
- *I wouldn't be able to do many of the things I m doing. Personal care would become an issue.*
- *Already causing anxiety and depression just the thought of it*
- *I could not give up any current support without being at immediate critical risk*

Of the people who did *not* receive the consultation document, 18 expressed a desire to have been consulted or shared their views.

- *I am an active and aware local resident and I had no idea this was happening. I would like my Council tax to go to supporting people who require*

- care and support, and improving quality of life, not causing increased stress - local resident*
- *Would have liked to have responded - paid care worker*
 - *I think it is a dishonest way to push through a policy - i wasn't aware of any of these - local resident*
 - *I feel we should have been informed of changes with regards to care. Greenwich borough never inform us of anything - paid care worker*
 - *I feel saddened that people like me were not consulted - friend of disabled person*
 - *Every disabled person should have a say whether or not they use services from the council at present as some disabilities are progressive - disabled non-service user.*
 - *It is disgusting not knowing anything and not been made aware of anything - disabled non care service user.*

Care Charging and Disability Related Expenditure workshop

In response to the general ignorance about charging and confusion about the consultation proposals, Greenwich DPAC and MetroGAD ran a workshop on 3rd January 2020, from 3.30 -6.30, in Woolwich.

The main agenda items were:

1. What the proposals meant,
2. How charging works,
3. Disability-related expenditure (proposal 10 on the consultation document).

It was attended by 20 people, including 8 local disabled people who use care services provided by Greenwich and 3 unpaid carers of people who use care services. Eight additional care service users sent apologies.

Attendees were provided with a handout about the process of financial assessment and what constitutes disability-related expenditure. This was, in part, to explain how the assertion that “you will only be asked to pay what you can afford” is not strictly true (also refer to our previously submitted paper about Minimum Income Guarantee vs Minimum Income Standards) and to give people the best chance of avoiding being overcharged.

Questions / comments from workshop attendees about their current experience, included:

- *I have asked for a financial assessment for my son several times - all they told me was if I don't pay the bill they'll stop his care. Now I am scared to ask for another financial assessment!*
- *I have never even been told that I am entitled to a financial assessment!*

- *If we can offset the cost of “disability related expenses”, why am I being forced to pay for gloves, hand gel etc for my PAs out of my own money, on top of the care charge?*
- *My daughter has to pay for her care workers food- it is in the contract. Should this have been classed as a disability related expense as she wouldn't choose to do so otherwise?*
- *How do we know what receipts we are supposed to keep or what can be counted as a disability related expenditure? And how are we supposed to know when to start collecting receipts?*
- *How often are we supposed to be offered a financial assessment then? I don't remember having one either.*
- *I don't have the time or energy to work out what the difference in cost is between the gluten free food that I have to buy and non- gluten free food that anyone else can buy!*
- *I was told that they won't take supplements into account even though I only buy them to help my health condition.*
- *I buy all my stuff on amazon or eBay because it is cheaper - do I now have to spend additional money on printing the receipts?*
- *I pay my 16 year old neighbour £10 a week to do my garden, cash in hand, as I can't and I need the paths clear. Would they allow this? I can't afford to use a company that will give a receipt.*
- *My doctor always messes up my prescription, so I end up having to buy medication privately even though I am supposed to get it on the NHS - they wouldn't allow me to claim that, would they?*
- *If I am supposed to be able to keep £200 of my own money - how come I am still being charged £65 a week?*
- *I think the council's agencies are taking the council, and us, for a ride - I was still being charged full cost even though there were times when I didn't get all the care as I was away or in hospital.*
- *I have had to spend £5000 on a powered wheelchair because I am not entitled to one from the NHS... I was told that it did not count!*

The above demonstrates that disabled people have not been able to access rights to a financial assessment and/or to be able to fully offset their disability related expenses as information is limited and there is no access to an independent, specialist, Personal Budget support service.

As acknowledging Disability Related Expenditure is the *only* way to avoid being limited to the Government-set Minimum Income Guarantee limits (as discussed in the paper to Cabinet about the difference between Minimum Income Guarantee and the true cost of living) it is vital that support and information is available.

Case studies and where issues lay with financial assessment.

Additionally, even where support is available, people often fall foul of the rigid guidelines for financial assessment.

The following examples are real cases of the author of the report, whose paid role, as Independent Living Co-ordinator, is to provide independent support to Direct Payment / Care Services recipients in the Royal Borough of Kensington and Chelsea, including support to challenge financial assessments.

A - it took 3 appeals to get her charge from £73 per week to £0 per week. She needed to provide more and more proof of disability related expenditure as she hadn't accumulated receipts.

B- is suicidal - I spend approximately an hour on the phone every time she gets yet another invoice for care as the amount builds up and she can't pay. She has existing debts which are not taken into account in the financial assessment when using the approved process. Due to the standard way of financially assessing, it looks on paper as if she has more disposable income than she actually has, meaning that, contrary to assertions she is not "only charged what she can afford".

C - I have to refer to the food bank on occasion. She has a "direct payment" which is paid net so has no choice but to pay the contribution weekly to have enough in her budget to pay for care.. but then she can't pay for food / bills. She looks forward to being admitted to hospital "as they bring you 3 meals a day and I don't have to worry about the cost".

D - has "asked" for a reduction in number of care hours that she has been professionally assessed as needing as she can't afford the full charge... but, as she can't manage on fewer hours, she begs the care workers to stay on in their own time, unpaid. Some will, but most won't.

E - had been “just about managing” using his disability benefits for everyday expenses- these were taken in charges for care as they were not used for “disability related expenditures” and now he has high cost loans and spiralling credit card debts for basics such as food and bills.

F - had been trying to save for a new computer to run better screen reader software - if she had already bought the computer and software, and had a receipt, it could be partly offset as a “disability related expense”. However, as all the “disposable income” is already taken for charging, she can’t afford to buy it in order to provide the requested receipt.

G - was financially assessed just days before achieving pension credit age. She was financially struggling. Had she been assessed a week later she would have been paying around £100 less per week (due to the Minimum Income Guarantee rates for older people being significantly higher). This was only picked up 6 months later, just days before she died, upon challenging her overcharge.

Public sector equality duty.

Although the Care Act *allows* local authorities to charge for Social Care services, it is not obligatory. Additionally, charging legislation allows local authorities to be *more generous* than imposing the Minimum Income Guarantee set by government.

Local Authorities also have responsibilities under the Equality Act Public Sector Equality Duty, which including having “due regard” to the need to “advance equality of opportunity between people who share a protected characteristic and those who do not”. This includes “reducing or removing disadvantage”, “meeting the needs of people with a protected characteristic” and “encouraging people with a protected characteristic to participate in public life and activities”. Indeed, among Greenwich Council’s stated 2016 - 2020 equality objectives is to:

“Improve opportunities for disabled people so that they are able to enjoy a good quality of life”. <https://www.royalgreenwich.gov.uk/info/200164/about-the-royal-borough/1098/equality-policy/3>

We would argue that imposing any care charge which results in the care service user being left with the bare minimum that the Government says is required to cover only essential food and household bills - is contrary to improving opportunities for disabled people to have a good life.

We believe that all other ways to fund social care should be exhausted before imposing more financial burden on a group that is already known as the Hardest Hit due to the disproportionately negative effects of the government's welfare reform agenda.

Although the Council has produced an Equality Impact Assessment to accord with the Public Sector Equality duty, we would consider it a *partial* Equality Impact Assessment.

Firstly, it perpetuates the myth that "the revised policy will still ensure that they do not pay more than they can afford under the Minimum Income Guarantee." when this, in itself, does not ensure affordability.

Additionally, reference is only made to "X people being 'affected'" with no explanation as to what 'affected' means on a human and societal basis. For example, the wider cost to disabled people in terms of their quality of life and ability to participate in society should the individual be forced to refuse support that they have been assessed as needing due to the charges being unaffordable.

Furthermore, there is no mention of the potential need for increased reliance on unpaid carers and effect of such demand on carers and society. Likewise, the potential loss of income for paid care workers and subsequent effect on the wider economy has not been explored, not to mention the potential negative impact on demand for health services, which are already at breaking point.

With such swathes of information missing, it would be impossible to say that the council had complied with the Public Sector Equality Duty.

Whistleblower allegation about BCF / iBCF monies.

In December, a whistleblower contacted Greenwich Disabled People Against Cuts with concerns about a non-standard way of accounting for Better Care Funds/ improved Better Care Funds and resulting potential misrepresentation of the amount of Adult Social Care budget overspend. An independent investigation had been requested by the whistleblower but this had subsequently been refused.

As a budget overspend was the primary advertised reason to consult to increase charges, and there seems to be a reluctance to investigate this matter transparently, this allegation is obviously of concern to disabled Greenwich residents.

Going Forward:

We therefore call upon Councillors to authorise the previously requested independent external investigation of the use of the BCF /iBCF monies, the decision to reduce the Adult Social Care budget and to explore alternatives *before* any decision is taken that would result in disabled care service users bearing the burden of the proposals to increase charges.

Ultimately, we would like Councillors to work towards reversing the decision to charge for non-residential care services completely, as was done by Hammersmith and Fulham Council.

**Report on behalf of Greenwich Disabled People Against Cuts.
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